

SEALED**United States District Court****WESTERN DISTRICT OF TEXAS**

In the Matter of the Search of

Information associated with
kevinpelayo@hotmail.com, further described in
 Attachment A, that is stored at premises
 controlled by Microsoft Corporation

JUN 22 2020

SEARCH WARRANT

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY

DEPUTY CLERK

CASE NUMBER W20-106M

TO: RICKY L. WELTON, Special Agent, United States Army, Criminal Investigation Division,
 and any Authorized Officer of the United States

Affidavit(s) having been made before me by RICKY L. WELTON, Special Agent, United States Army,
 Criminal Investigation Division, and any Authorized Officer of the United States, who has reason to
 believe that [] on the person of [X] on the premises known as

Information associated with kevinpelayo@hotmail.com, further described in Attachment A, that is stored
 at premises controlled by Microsoft Corporation,

in the Western District of Texas there is now concealed a certain person or property, described on the
 attached property list, **see Attachment B – List of Items to be Searched for and Seized**, which
 property constitutes evidence of the commission of a criminal offense, contraband, the fruits of crime,
 or things otherwise criminally possessed, property designed or intended for use or which is or has been
 used as the means of committing a criminal offense concerning a violation of Title 18, United States
 Code, Section 641.

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that
 the person or property so described is now concealed on the person or premises above-described and
 establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before within 14 days
 (not to exceed 14 days) the person or place named above for the person or property specified, serving
 the warrant and making the search (in the daytime - 6:00A.M. to 10:00 P.M.) (at any time in the day or
 night as I find reasonable cause has been established) and if the person or property be found there to
 seize same, leaving a copy of this warrant and receipt for the person or property taken and prepare a
 written inventory of the person or property seized and promptly return this warrant to U.S. Magistrate
 Judge as required by law.

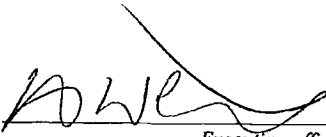
June 8, 2020 @ 11:00am
 Date and Time Issued

Waco, Texas
 City and State

Jeffrey C. Manske, United States Magistrate Judge
 Name and Title of Judicial Officer

Jeffrey C. Manske
 Signature of Judicial Officer

AO 93 (Rev. 12/09) Search and Seizure Warrant (Page 2)

Return		
Case No.: W -20-106M	Date and time warrant executed: 22 June 2020 09:30	Copy of warrant and inventory left with: RAC S. Lane Allen, Army CID-MPFU
Inventory made in the presence of : SA Kevin Benifield		
Inventory of the property taken and name of any person(s) seized: Receipt of digital files and electronic data from Microsoft Online Services, containing contents such as emails, subscriber information, names, email addresses related to subjects and business under investigation and within the purview of U.S. Army CID-MPFU. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX NOTHING FOLLOWS XXXXXXXXXXXXXXXXXXXX		
Certification		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 30%;"> <p>Date: 22 June 2020</p> </div> <div style="width: 60%; text-align: center;">  <div style="display: flex; justify-content: center; align-items: center;"> <div style="text-align: right; margin-right: 10px;"><i>Executing officer's signature</i></div> <div style="border-top: 1px solid black; width: 100%;"></div> </div> <div style="display: flex; justify-content: center; align-items: center;"> <div style="text-align: right; margin-right: 10px;">Ricky Welton</div> <div style="border-top: 1px solid black; width: 100%;"></div> </div> <div style="text-align: center; margin-top: 5px;"><i>Printed name and title</i></div> </div> </div>		

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with kevinpelayo@hotmail.com that is stored at premises controlled by Microsoft Corporation, a company that accepts service of legal process at MSN Hotmail 1065 La Avenida, Building 4 Mountain View, CA 94043

ATTACHMENT B

Particular Things to Be Seized

I. Information to be disclosed by Microsoft Corp. (the Provider)

To the extent that the information associated with:

- a) kevinpelayo@hotmail.com

Dating from October 1, 2018 to the present, as described in Attachment A is within the possession, custody, or control of the Provider, including any emails, records, files, logs, or information that has been deleted but is still available to the Provider, or has been preserved pursuant to a requests made under 18 U.S.C. § 2703(f) on January 15, 2020 and April 16, 2020 the Provider is required to disclose the information described in paragraphs (a) through (f) below in this section to the government for each account or identifier listed in Attachment A:

- a. The contents of all emails associated with the accounts, including stored or preserved copies of emails sent to and for the account, draft emails, the source and destination addresses associated with each email, the date and time at which each email was sent, and the size and length of each email;

- b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and duration, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative email addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);

- c. The types of service utilized;

- d. All records or other information stored at any time by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files;

- e. All records pertaining to communications between the Providers and any person regarding the account, including contacts with support services and records of actions taken; and

- f. All records establishing control over or access to the subject email accounts.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, contraband, evidence, and instrumentalities of violations of 18 U.S.C. 641 (Theft), 18 U.S.C. 1028A (Aggravated Identify Theft), 18 U.S.C. 1343 (Wire Fraud), 18 U.S.C. 956(h) (Money Laundering), and 18 U.S.C. § 371 (Conspiracy), those violations involving known and unknown persons and occurring

after October 1, 2018, to the present including, for each account or identifier listed on Attachment A, information pertaining to the following matters:

- a. All data and records relating to names, emails and other identifying information for participants in relation to the Army Mass Transit Benefit Program (MTBP) to include but not limited to: creation of participant forms, payments for any U.S. government benefit, and claims in relation to the Army Mass Transit Benefit Program (MTBP).
- b. All data and records relating to claims submitted in relation to the Army Mass Transit Benefit Program.
- c. All data and records of payments relating to any U.S. Department of the Army, U.S. Department of Transportation, or U.S. Department of Defense claim, benefit, voucher, application, participant inquiries, and/or application forms in relation to the MTBP
- d. All data and records relating to agreements, drafts of agreements and proposed but unconsummated agreements related to the Army Mass Transit Benefit Program.
- e. All data and records identifying communications devices and numbers utilized during the formulation and submission of any U.S. government claim, or benefit, and application related to the Army MTBP, including residential telephones, fax machines, cell phones, blackberries, and like devices, address books, calendars, and other similar types of records.
- f. All data and records relating to financial accounts associated with Kevin Pelayo, Soldiers Van Pools, LLC, and the Army Mass Transit Benefit Program.
- g. All data, records and communications that may identify any co-conspirators of Kevin Pelayo or Soldiers Van Pools, LLC related to the Army Mass Transit Benefit Program.
- h. Email and attachments that provide context to any electronic mail reflecting the criminal activity described in this warrant including any electronic mail sent or received in temporal proximity to any relevant electronic mail and any electronic mail that identifies any users of the subject accounts; and
- i. Information relating to who created, used, or communicated with the accounts, including records about their identities and whereabouts.
- j. Any data and records pertaining to any communications with a government email address ending in **.civ@mail.mil** or **.mil@mail.mil**

III. Providers Procedures

Microsoft Corporation shall deliver the information set forth above within 30 days of the service of this warrant and shall send the information to:

U.S. Army CID-MPFU
Attn: Special Agent Ricky Welton
40 N.E. Loop 410
Suite #430
San Antonio, TX 78216
Ricky.L.Welton2.civ@mail.mil